

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JEROME DAVIS,

Plaintiff,

v.

KING COUNTY REGIONAL JUSTICE
CENTER, *et al.*,

Defendants.

CASE NO. C07-1150-TSZ-JPD

REPORT AND RECOMMENDATION

On July 24, 2007, plaintiff Terrance Jerome Davis presented to this Court for filing a civil rights complaint under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma pauperis*. Plaintiff alleged in his complaint that corrections officers at the King County Regional Justice Center (“RJC”) broke his finger, that his injury was attributable to a jail custom or policy, and that he had been denied adequate medical care for his injury. Plaintiff identified the RJC and the “Jail Health Staff” as the only two defendants in this action.

On August 7, 2007, plaintiff’s application for leave to proceed *in forma pauperis* was granted and his complaint was filed. (*See* Dkt. Nos. 3 and 4.) On the same date, this Court issued an Order declining to serve plaintiff’s complaint and granting him leave to amend. (Dkt. No. 5.) Plaintiff was advised therein that his complaint was defective because (1) the RJC was not a proper defendant in

1 this action, and (2) the “Jail Health Staff” was not a legal entity and could not be sued as such. (*See*
2 Dkt. No. 5.) Plaintiff was further advised that in order to adequately allege a cause of action under
3 § 1983, he must identify each individual whom he believed was responsible for causing him harm, and,
4 as to each individual, he must specifically identify the constitutional right he believed was violated by
5 the conduct of that individual and he must allege specific facts demonstrating that that individual
6 personally participated in causing the harm alleged.

7 Plaintiff was granted thirty days within which to submit an amended complaint curing the
8 specified deficiencies, and was advised that his failure to timely submit an amended complaint would
9 result in dismissal of this action for failure to adequately allege a cause of action under § 1983. To
10 date, plaintiff has filed no amended complaint.

11 When a complaint is frivolous, malicious, fails to state a claim on which relief may be granted,
12 or seeks monetary relief against a defendant who is immune from such relief, the Court may dismiss an
13 *in forma pauperis* complaint before service of process under 28 U.S.C. § 1915(e)(2)(B). Because
14 plaintiff’s original complaint failed to identify any proper defendants, and because plaintiff failed to
15 amend his complaint to correct this deficiency, this Court recommends that plaintiff’s complaint, and
16 this action, be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). A proposed order
17 accompanies this Report and Recommendation.

18 DATED this 15th day of October, 2007.

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20 JAMES P. DONOHUE
21 United States Magistrate Judge
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